

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

IQVIA HOLDINGS INC.,

and

PROPEL MEDIA, INC.,

Defendants.

Case No. 1:23-cv-06188-ER

**NOTICE OF UNOPPOSED MOTION FOR ENTRY OF  
PROTECTIVE ORDER GOVERNING CONFIDENTIAL MATERIAL**

The Federal Trade Commission has filed this action seeking a temporary restraining order and a preliminary injunction to enjoin Defendant IQVIA Holdings Inc. (“IQVIA”) from acquiring Defendant Propel Media, Inc. (“PMI”) (the “Acquisition”), pursuant to Section 13(b) of the Federal Trade Commission Act, 15 U.S.C. § 53(b) and Section 16 of the Clayton Act, 15 U.S.C. § 26. By this motion, Plaintiff seeks an order, pursuant to Fed. R. Civ. P. (“Rule”) 26(c), to limit the disclosure of the discovery taken during the Plaintiff’s non-public investigations and to be taken in this litigation because the discovery contains confidential commercial information both of Defendants and of third parties. Plaintiff respectfully requests that the Court enter an order substantively identical to the language in the proposed protective order attached to this motion.

During their investigations, Plaintiff obtained discovery from Defendants and third parties that is relevant to the issues in this action but which contains competitively sensitive

information. This competitively sensitive information includes confidential commercial or financial information, as such terms are used in Rule 26(c)(1)(G), Section 6(f) of the Federal Trade Commission Act, and 15 U.S.C. § 46(f). The proposed protective order will allow Plaintiff to share this discovery with outside counsel for Defendants but will protect this information against unwarranted disclosure either to Defendants or to the public.

Rule 26(c) of the Federal Rules of Civil Procedure grants the Court the discretion to issue such protective orders. That rule provides, in pertinent part:

A party or any person from whom discovery is sought may move for a protective order in the court where the action is pending . . . The court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following . . .

\* \* \* \*

. . . requiring that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a specified way . . .

Rule 26(c)(1)(G).

Plaintiff Federal Trade Commission already has initiated a parallel administrative proceeding under 15 U.S.C. § 45(b) challenging this merger, with the administrative trial scheduled to commence on December 20, 2023. The protective order Plaintiff proposes here is substantially similar to the protective order that is entered in the administrative litigation of merger cases pursuant to 16 C.F.R. § 3.31 Appendix A.

Counsel for Plaintiff and Defendants have met and conferred regarding the proposed protective order. The Defendants do not oppose this motion. All parties will promptly confer on any proposed modifications to the order and reserve the right to ask the court to modify the order

upon motion. Plaintiff reserves its right to object to requested modifications, including to ensure that third parties receive notice and an opportunity to be heard about such modifications.

The proposed protective order is attached.

Dated: July 28, 2023

Respectfully submitted,

/s/ Jennifer Fleury

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